UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE

DIRECTIVE

4430.5

1/02/04

INCORPORATING THE EQUAL OPPORTUNITY/CIVIL RIGHTS GOALS INTO PERFORMANCE STANDARDS

I. PURPOSE

This Directive establishes Agricultural Marketing Service (AMS) policy on incorporating the Equal Opportunity/Civil Rights goals into performance standards

II. BACKGROUND

All AMS employees play a role in furthering the goals of civil rights, equal opportunity, and workforce diversity as part of their ongoing work. In 1990, the Department issued the Framework for Change, which led to a requirement to include an identical and separate critical element for Equal Opportunity and Civil Rights (EO/CR) in all nonsupervisory employees' performance standards. An evaluation of the effectiveness of that approach indicated that it could be more consistently applied and non-supervisory employees could be encouraged to create a positive link between their job activities and these goals. As a result, the Department eliminated the generic "one size fits all" performance element for non-supervisory employees.

AMS will continue to require that all of its employees demonstrate a commitment to civil rights in their ongoing work performance, and is reaffirming the current requirement for performance standards as incorporated in AMS Directive 4430.1, Performance Appraisal. (For supervisory employees, the current requirement for a separate critical performance element will remain in place.) Keep in mind, however, that whatever performance element(s) the supervisors along with their employees design must be in place no later than 90 days before an employee can be rated on the element. Further guidance is available from the AMS Civil Rights Program and MRP Human Resources, Enhancement Branch.

III. POLICY

It is AMS policy that all performance standards for non-supervisory employees will require that all employees incorporate civil rights goals as aspects of existing

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(or new) critical performance elements. AMS has EO/CR goals included in its Workforce Plan which can be found at its website, http://insideams. Five examples of how this can be accomplished are provided in Attachment 2.

Supervisors are expected to discuss with their employees, within the context of program objectives and job descriptions, which of their critical performance standards provides the clearest opportunity for incorporating civil rights performance expectations. In this manner, each non-supervisory employee has an opportunity to express the contribution which he or she can make to a work environment and a system of program delivery free of discrimination.

Supervisors and employees will work together to define how each member of the AMS team can reach these goals. The following steps outline a process which is integral to the existing performance management system. Regardless of future changes, the performance appraisal system will continue to provide an annual cycle of opportunities for all employees to discuss performance. It is expected that supervisors will incorporate these goals into existing critical elements as soon as possible.

IV. GUIDELINES

A. Steps to Follow.

- 1. All AMS supervisors have an ongoing responsibility to periodically review and discuss the overall goals and objectives of their program or work unit with their employees. In these discussions, supervisors and employees will identify their respective roles in furthering civil rights goals. This is the essence of developing a team approach in which each employee can make his or her own contribution.
- 2. The supervisor will review performance standards with each employee at the beginning of the performance appraisal period. During this review, the supervisor and employee will mutually decide which critical performance element or elements provide the greatest opportunity for supporting civil rights and workforce diversity.
- 3. Civil rights goals can be incorporated into more than one existing performance element. If more than one performance element is used, at least one of those elements must be critical.
- 4. Branches, work units, or individual supervisors and employees are free to mutually decide that a separate, critical performance element for EO/CR is appropriate for some non-supervisory positions.

- 5. The wording used to convey all of the civil rights performance expectations should be written as clearly as possible to promote a common understanding between supervisor and employee as to what is expected and how accomplishments will be measured and credited at the completion of the rating cycle. At a minimum, the expectations for obtaining a "fully successful" rating on this element should be clear to both the supervisor and the employee at the beginning of a rating cycle. Whenever possible, the expectations for an "exceeds" rating on this element should also be discussed at the beginning of a rating cycle. Once agreement on this and other elements is reached, the performance plan should be signed and implemented.
- 6. Appraisals of accomplishments on this element, like all others, should occur as part of normal performance cycle.
- B. <u>Examples of Performance Standards</u>. Performance standards can be revised to include civil rights performance expectations in either of the following ways:
- 1. By including them in an existing element which covers customer service, program delivery, or other interpersonal contacts. For example, information technology specialists, secretaries, marketing specialists, agricultural commodity graders, and many other USDA occupations have daily contact with a diverse population of clients and co-workers. This means that opportunities to better serve every American present themselves everyday. When such an element is not currently critical, the addition of civil rights objectives will make it so.
- 2. By developing a new critical element which pulls together items from other elements in the areas of communications, customer service and interpersonal relations that also incorporate civil rights. The following is an example of this approach:

Communications and Customer Service (fully successful level)

Meets and deals with others and communicates program purpose and activities in a manner which ensures equal access to programs and information. Consistently demonstrates fairness, cooperation, and respect toward co-workers, supervisors, and all internal and external customers. Written and oral communication and interpersonal relations contribute to a productive and non-discriminatory work environment.

There is no longer a USDA-wide prescribed EO/CR element for all supervisors, just the requirement that there be a stand-alone EO/CR element. Here is an example of a basic element that meets the requirement:

Equal Opportunity and Civil Rights (fully successful level)

Enforces all civil rights laws, rules, regulations, Executive Orders, and USDA and Agency policies. Holds all managers and supervisors accountable for achieving civil rights goals and objectives in all employment, program delivery, and procurement activities.

Maintains a workplace free of discrimination and any threatening or hostile behavior prohibited by Agency policy. Treats all employees, peers, supervisors, and customers with dignity and respect. Requires all employees to treat each other, their supervisors, coworkers, and customers with dignity and respect.

V. DEVELOPING AND MONITORING EMPLOYEE PERFORMANCE

The employee's capacity to perform in the EO/CR element should be increased through training and developmental opportunities that are specific to the employee's job. Carrying out the processes of performance management provides an excellent opportunity for supervisors and employees to identify developmental needs.

Successful evaluation of EO/CR elements and standards should be monitored continually by consistently measuring performance and providing ongoing feedback to employees about their progress toward established goals.

A. Supervisors should:

- 1. Lead by example and demonstrate a commitment to the spirit and intent of EO/CR.
- 2. Foster a work environment where EO/CR discussions take place during formal or informal meetings.
- 3. Provide opportunities for employees to attend EO/CR related training that will enhance progress toward workforce diversity and promote increased employee support of EO/CR goals and objectives.
- 4. Grant official work time to plan or coordinate activities relating to special emphasis programs that improve the work environment.
- 5. Conduct reviews to compare performance against elements and standards on a routine basis. Routine monitoring will enable supervisors to proactively address unacceptable performance at any time during the appraisal period and provide feedback to address such performance rather than wait until ratings are assigned.

- 6. Encourage employees to participate in EO/CR activities conducted by the Agency and by other organizations.
 - 7. Ensure employees' ratings reflect actual performance.
- 8. Take immediate corrective action when employees exhibit behavior that is not in accordance with EO/CR policies and guidelines.

B. Employees should:

- 1. Seek out opportunities to attend EO/CR related training that supports Agency and Program civil rights goals.
- 2. Participate in EO/CR related activities that improve the work environment.
- 3. Seek the supervisor's guidance and advice on how they can best support the Program's EO/CR goals.
- 4. Participate in EO/CR related activities that promote and support established EO/CR goals.
- 5. Assist in the identification of recruitment sources and contacts which contribute to workforce diversity.

VI. RATING EMPLOYEES

- A. At the end of the annual performance appraisal period, supervisors are required to rate an employee's performance. In addition, they are required by USDA policy to review an employee's performance at least once during the performance period in the form of a "mid-year" review. However, more frequent performance feedback on all performance elements is strongly encouraged.
- B. Employees with collateral duties related to EO/CR or who are in jobs that deal directly with EO/CR functions have more opportunities to enhance the EO/CR image of AMS than other employees. In making a judgment on the appropriate rating for these employees, rating officials should consider whether the level of performance demonstrates that employees:
 - 1. Merely responded to such opportunities in a fair and balanced manner.
- 2. Sought out and/or capitalized on opportunities to advance EO/CR goals.

- 3. Participated in scheduled Civil Rights Coordinators' meetings and shared information obtained during these meetings with Program employees.
- C. The Civil Rights Program will track all ratings for "exceeds" on the EO/CR element for all supervisors (for purposes of trend analysis) issued by AMS Programs. Documentation for all "exceeds" ratings for supervisors on the EO/CR element must be submitted to the Civil Rights Program by December 31 of each year.

VII. REWARDING EMPLOYEES

- A. Annually, the Agency will recognize employees who have excelled in the EO/CR area. Supervisors and employees should refer to the Civil Rights Program's website to view the Agency criteria used in selecting individuals and groups for these awards.
- B. AMS Programs can sponsor their own EO/CR Employee Recognition Awards Program that rewards employees, individually and as members of groups, for their accomplishments in helping to achieve AMS' EO/CR goals.
- C. The AMS Civil Rights Program will track all civil rights awards (for purposes of trend analysis) issued by Programs. Copies of all awards, with documentation, must be submitted to the Civil Rights Program by December 31 of each year.

VIII. QUESTIONS

If you have any questions concerning how to incorporate the EO/CR goals into performance standards, contact the Civil Rights Program, AMS.

/s/

A. J. Yates Administrator

Attachments